

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Gelotte et al.

Serial No. : Art Unit:

Filed : Examiner:

For : Rapidly Absorbed Liquid Compositions

Assistant Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the

national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with the first or second After Final Submission, therefore:

- Statement in Accordance with §1.97(e)
(attached); or
- Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- Statement in Accordance with §1.97(e)
(attached); or
- Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in

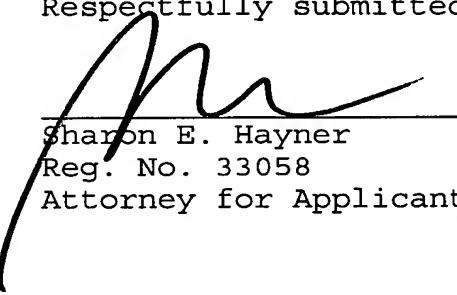
Accordance with §1.97(e) as set forth below and the fee of
\$180.00 as set forth in §1.17(p) .

- Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.
- Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:
 - In view of the voluminous nature of references, and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.
 - If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.
- There are no listed references which are not in the English language.
- The relevance of those listed references which are not in the English language is as follows:
 - Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.
 - Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.
- These references were made of record in Patent Application Serial Nos 10/323,433 filed on 12/19/2002;

09/777,086 filed 2/5/2001 and Patent Application Serial No.
09/329,900 filed 6/10/1999, now U.S. Patent No. 6,394,317 B1,
for which priority is claimed under 35 U.S.C. §120.

Please charge any deficiency or credit any overpayment to
Deposit Account No. 10-0750/MCP-0275/SHH. This form is
submitted in triplicate.

Respectfully submitted,


Sharon E. Hayner
Reg. No. 33058
Attorney for Applicants

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-2242

DATED:

6/26/03

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Substitute for form 1449A/PTO

Application Number

09/777 086

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 2

Application Number

09/777 086

Filing Date

55/177.

First Name

Gele

Group Art Unit

1614

Examiner Name

Donna Jago

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

Examiner Signature	Date Considered
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***EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached *Kinds of U.S. Patent Documents*. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 2 of 2

<u>Application Number</u>	09/777,086
<u>Filing Date</u>	February 5, 2001
<u>First Named Inventor</u>	Gelotte
<u>Group Art Unit</u>	1614
<u>Examiner Name</u>	Donna Jagoe
<u>Attorney Docket Number</u>	MCP-275

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Signature		Date Considered
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Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION	Docket No.	Serial No.
	MCP-226	09/329,900
Applicant Gelotte et al.		
Filing Date	Group Art Unit	
June 10, 1999	1614	



U.S. PATENT DOCUMENTS

Exam'r Init.	Document No.	Date	Name	Class	Sub Class	File Date
	4,479,956	10/30/84	Sunshine et al.	424	253	4/26/83
	4,558,051	12/10/85	Sunshine et al.	514	261	12/12/83
	4,567,183	1/28/86	Sunshine et al.	514	264	12/12/83
	4,585,783	4/29/86	Sunshine et al.	514	408	3/14/85
	4,587,249	5/6/86	Sunshine et al.	514	265	8/22/84
	4,656,177	4/7/87	Sunshine et al.	514	264	3/17/86
	4,871,733	10/3/89	Sunshine et al.	514	212	8/11/88
	4,883,818	11/28/89	Sunshine et al.	514	570	11/17/87
	4,923,898	5/8/90	Sunshine et al.	514	557	8/3/88

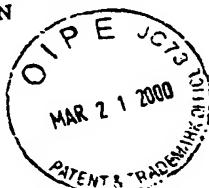
FOREIGN PATENT DOCUMENTS

Exam'r Init.	Document No.	Date	Country	Class	Sub Class	Translate (select one) Yes <input type="checkbox"/> No <input type="checkbox"/>

OTHER REFERENCES (include author, title, date, pertinent pages, etc.)

Examiner's Initials: <i>Dawn J. Agor</i>	Date Considered: <i>3/27/00</i>
Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 5609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.	

Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION	Docket No. MCP-226	Serial No. 09/329,900
Applicant Gelotte et al.		
Filing Date June 10, 1999	Group Art Unit 1614	



U.S. PATENT DOCUMENTS

Exam'r Init.	Document No.	Date	Name	Class	Sub Class	File Date
19	4,962,124	10/9/90	Sunshine et al.	514	568	8/25/89
	4,975,426	12/4/90	Sunshine et al.	514	159	2/24/89
	4,980,375	12/25/90	Sunshine et al.	514	570	5/25/89
	4,985,459	1/15/91	Sunshine et al.	514	561	10/13/89
	5,100,918	3/31/92	Sunshine et al.	514	557	10/5/90
19	5,286,751	2/15/94	Sunshine et al.	514	570	5/18/90
19	5,674,522	10/7/97	Shah et al.	424	439	9/26/95

FOREIGN PATENT DOCUMENTS

Exam'r Init.	Document No.	Date	Country	Class	Sub Class	Translate (select one) Yes <input type="checkbox"/> No <input type="checkbox"/>
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OTHER REFERENCES (include author, title, date, pertinent pages, etc.)

Examiner's Initials: <i>John Jayoe</i>	Date Communication: <i>3/29/00</i>
Examiner: Initial if citation considered whether or not citation is in conformance with MPEP 5609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.	

Form PTO-1449

INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

Docket No.

MCP-226

Serial No.

09/329,900

Applicant

Cathy Klech Gelotte et al.

Filing Date

June 10, 1999

Group Art Unit

1614

U.S. PATENT DOCUMENTS

Exam'r Init.	Document No.	Date	Name	Class	Sub Class	File Date
AD	4,486,436	12/4/84	Sunshine et al.	424	253	3/11/83
AD	4,522,826	6/11/85	Sunshine et al.	514	569	2/8/84
AD	4,552,899	11/12/85	Sunshine et al.	514	568	4/9/84
AD	4,522,899 B1	10/20/92	Sunshine et al.	514	568	1/2/91
AD	4,749,711	6/7/88	Sunshine et al.	514	226.5	2/19/87
AD	4,749,721	6/7/88	Sunshine et al.	514	532	2/19/87
AD	4,749,722	6/7/88	Sunshine et al.	514	567	2/19/87
AD	4,783,465	11/8/88	Sunshine et al.	514	255	4/24/87
AD	4,839,354	6/13/89	Sunshine et al.	514	226.5	2/19/87

FOREIGN PATENT DOCUMENTS

Exam'r Init.	Document No.	Date	Country	Class	Sub Class	Translate (select one) Yes <input type="checkbox"/> No <input type="checkbox"/>
AD	WO 98/38983	9/11/98	PCT	A61K	9/20	<input type="checkbox"/> <input type="checkbox"/>
AD	WO 92/15332	9/17/92	PCT	A61K	45/06	<input type="checkbox"/> <input type="checkbox"/>
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OTHER REFERENCES (include author, title, date, pertinent pages, etc.)

AD	Lemsip Power +, Patient Information Leaflet, Product Literature, 1996	

Examiner:

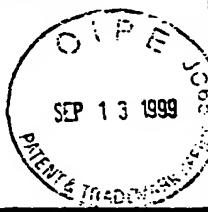
Anne A. Payne

Date Considered:

12/13/99

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Form PTO-1449

INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

Docket No.

MCP-226

Serial No.

09/329,900

Applicant

Cathy Klech Gelotte et al.

Filing Date

June 10, 1999

Group Art Unit

1614

U.S. PATENT DOCUMENTS

Exam'r Init.	Document No.	Date	Name	Class	Sub Class	File Date
SD	4,990,535	2/5/91	Cho et al.	514	556	5/3/89
SD	5,025,019	6/18/91	Sunshine et al.	514	277	11/20/89
SD	5,075,114	12/24/91	Roche, E.	424	470	5/23/90
SD	5,215,755	6/1/93	Roche et al.	424	480	4/17/91
SD	5,296,233	3/22/94	Batista et al.	424	463	12/11/92
SD	5,373,022	12/13/94	Fawzi et al.	514	570	9/8/92
SD	5,374,659	12/20/94	Gowan, Jr., W.	514	557	3/28/94
SD	5,385,941	1/31/95	Fawzi et al.	514	567	6/15/93

FOREIGN PATENT DOCUMENTS

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OTHER REFERENCES (include author, title, date, pertinent pages, etc.)

Examiner:

Anne A. Dague

Date Considered:

12/13/99

Examiner: Initial if citation considered. Whether or not citation is in conformance with MPEP 5609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION	Docket No. MCP-226	Serial No. 09/329,900
<p>Applicant Cathy Klech Gelotte</p> <p>Filing Date June 10, 1999</p> <p>Group Art Unit 22</p>		

U. S. PATENT DOCUMENTS

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Exam'r Init.	Document No.	Date	Country	Class	Sub Class	Translate (select one)
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OTHER REFERENCES (include author, title, date, pertinent pages, etc.)

A9.	<p>Dr. S.D. Oliver, "Pharmacokinetics and Clinical Activity of a Soluble Combination of Ibuprofen and Pseudoephedrine" European Journal of Clinical Research (1996) 8:269-280</p>

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Notice of References Cited			Application No.	Applicant(s)		
			09/329,900	Gelotte et al.		
Examiner Donna A. Jagoe			Group Art Unit 1614	Page 1 of 1		
U.S. PATENT DOCUMENTS						
	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	
A	6,017,932	1/2000	Singh et al.	514	321	
B	5,374,659	12/1994	Gowan, Jr.	514	557	
C	5,712,310	1/1998	Koch	514	570	
D						
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FOREIGN PATENT DOCUMENTS						
	DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUBCLASS
N	EP0856310A2	5/1998	European	Sawa et al.	—	—
O	WOPCT9632941	10/1996	Japanese	Miyagi et al.	—	—
P						
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T						
NON-PATENT DOCUMENTS						
	DOCUMENT (Including Author, Title, Source, and Pertinent Pages)				DATE	
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V						
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Notice of References Cited			Application No.	Applicant(s)		
			09/329,900	Gelotte et al.		
Examiner			Group Art Unit			
Donna A. Jagoe			1614		Page 1 of 1	
U.S. PATENT DOCUMENTS						
	DOCUMENT NO.	DATE	NAME		CLASS	SUBCLASS
A	5,759,579	6/1998	Singh et al.		424	485
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	DOCUMENT NO.	DATE	COUNTRY	NAME	CLASS	SUBCLASS
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NON-PATENT DOCUMENTS						
	DOCUMENT (Including Author, Title, Source, and Pertinent Pages)					DATE
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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 3

Application Number

10/323,433

Filing Date

December 19, 2002

First Named Inventor

Gelotte

Group Art Unit

Examiner Name

Attorney Docket Number

MCP-275.DIV

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code ²			
		6,395,300	B1	Straut, e tal.	05/28/2002	
		6,231,890	B1	Naito et al.	05/15/2001	
		6,132,758		Munayyer et al.	10/17/2000	
		6,005,005		Stroppolo et al.	12/21/1999	
		5,981,591		Deihl	11/09/1999	
		5,840,768		Selinger et al.	11/24/1998	
		5,718,919		Ruddy et al.	02/17/1998	
		5,712,310		Koch	01/27/1998	
		5,621,005		Gowan, Jr.	04/15/1997	
		5,597,583		Grattan	01/28/1997	
		5,582,838		Rork et al.	12/10/1996	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T ⁶
		Office ³	Number ⁴	KindCode ⁵				
		WO	92/17171	A	Merck & Co. Inc.	10/15/1992		
		WO	95/19759	A	Procter & Gamble Company	07/27/1995		
		WO	98/24414	A	American Home Products Corporation	06/11/1998		

Examiner Signature	Date Considered
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²Unique citation designation number. ³See attached Kinds of U.S. Patent Documents. ³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 2 of 3

<i>Application Number</i>	10/323,433
<i>Filing Date</i>	December 19, 2002
<i>First Named Inventor</i>	Gelotte
<i>Group Art Unit</i>	
<i>Examiner Name</i>	
<i>Attorney Docket Number</i>	MCP-275.DIV

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

Examiner Signature		Date Considered	
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Substitute for form 1449AVPTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 3 of 3

Substitute for form 1449A/PTO	Application Number	10/323,433	
INFORMATION DISCLOSURE		Filing Date	December 19, 2002
STATEMENT BY APPLICANT		First Named Inventor	Gelotte
(use as many sheets as necessary)	Group Art Unit		
Sheet 3 of 3	Examiner Name		
	Attorney Docket Number	MCP-275.DIV	

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner Signature		Date Considered	
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1 Unique citation designation number. 2 Applicant is to place a check mark here if English language Translation is attached.

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